

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

THE UNITED STATES FOR THE USE AND
BENEFIT OF: ALLEN GRADING COMPANY,
INC.,

PLAINTIFF,

v.

TYLER CONSTRUCTION GROUP, INC. and
LIBERTY MUTUAL INSURANCE COMPANY,

DEFENDANTS.

) NO. 5:14-cv-00686-FL

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**ORDER GRANTING MOTION TO
COMPEL ARBITRATION AND
STAY PROCEEDING**

THIS MATTER COMES BEFORE ME UPON motion of Defendant Tyler Construction Group, Inc. (“Tyler”) for an Order staying the above-captioned litigation filed by Plaintiff Allen Grading Company, Inc. (“Allen”) and compelling Allen to arbitrate this matter pursuant to the Federal Arbitration Act (9 U.S.C. § 1, et seq.).

The parties entered into a Subcontract requiring disputes between the parties to be arbitrated in Section 11.3.2 of the Subcontract. The Subcontract requires matter to be filed with the American Arbitration Association.

WHEREFORE, pursuant to 9 U. S. C. § 2, this Court orders this matter stayed pending resolution of an arbitration and grants Defendant Tyler’s Motion compelling Plaintiff to file with the American Arbitration. Plaintiff shall provide evidence to this Court that it has filed a demand for arbitration with the American Arbitration Association within fifteen (15) days from the date of this Order.

And it so Ordered.

December 10, 2014



U.S. District Court Judge